

Introduced by Senator Leno

February 18, 2016

An act to add Section 18901.15 to the Welfare and Institutions Code, relating to CalFresh.

LEGISLATIVE COUNSEL'S DIGEST

SB 1232, as introduced, Leno. CalFresh: eligibility determinations.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program, under which nutrition assistance benefits are allocated to each state by the federal government. Under existing state law, the CalFresh program, California's federal allocation is distributed to eligible individuals by each county. Existing law requires that the eligibility of households be determined to the extent permitted by federal law, and requires the State Department of Social Services to establish a program of categorical eligibility for CalFresh in accordance with federal law. Existing law requires each county human services agency to carry out the local administrative responsibilities of this program, subject to the supervision of the department and to rules and regulations adopted by the department.

This bill would require a county human services agency that uses information contained in a consumer credit report for the determination of CalFresh eligibility or benefit level to provide the applicant or recipient of benefits with a specified notice indicating that the verification or eligibility determination was based, in whole or in part, upon the information contained in the consumer credit report. By imposing this duty on counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to support an
2 increase in CalFresh benefits for low-income working families by
3 simplifying and adding transparency to the verification of wages.
4 It is also the intent of the Legislature to educate applicants and
5 recipients of aid of their federal rights to receive a free report and
6 to correct errors in a report issued by federally regulated consumer
7 reporting agencies when the services of those agencies are used
8 by the state or county to determine CalFresh eligibility or benefit
9 level.

10 SEC. 2. Section 18901.15 is added to the Welfare and
11 Institutions Code, immediately following Section 18901.1, to read:

12 18901.15. (a) If a county human services agency uses
13 information contained in a consumer credit report for the
14 determination of CalFresh eligibility or benefit level, the county
15 shall provide the applicant or recipient of benefits with the notice
16 required by Section 615 of the federal Fair Credit Reporting Act
17 (15 U.S.C. Sec. 1681m), indicating that the verification or
18 eligibility determination was based, in whole or in part, upon the
19 information contained in the consumer credit report. The county
20 shall also do both of the following:

21 (1) Issue the notice before taking any adverse action against the
22 applicant or recipient.

23 (2) Issue the notice in writing and in accordance with the
24 standards established in federal law.

25 (b) The county shall not require the applicant or recipient to
26 submit hard-copy documentation that is duplicative of the
27 information described in subdivision (a) at the time of application,
28 midyear reporting, or recertification.

1 (c) Nothing in this section precludes the use of other forms of
2 verification or prohibits the county from requesting additional
3 documentation when the county establishes, in writing, that the
4 information it has already received is questionable.

5 SEC. 3. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.